IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 4977 of 2002

Between:

Lingaraju Mallikharjuna Rao, S/o Umamaheswara Rao,
R/o. Chennamrajupalli Village, Proddatur Mandal,
Cuddapah District.

..... PETITIONER

AND

1 The Chief Engineer Rayalaseema Thermal Power Project (RTPP),
Kalamala, Erraguntntla Mandal,
Cuddapah District.
2 The Chairman, A.P.GENCO Ltd,
Vidyuth Soudha, Kahiratabad,
Hyderabad.
3 The Government of Andhra Pradesh, represented by its Principal Secretary

General Administration Department,
Secretariat, Hyderabad.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to consider the case of the petitioners for appointment under displaced persons quota in terms of G.O.Ms.No.98, dated 15.4.1986 by the issuing a Writ, more in the Nature of Mandamus or in any other Writ, order or directions and further to declare the action of the respondents in not providing the job is illegal, arbitrary and violative of Articles 14 & 16 of the Constitution of India.

Counsel for the Petitioner: MR.RANGARAJULA RAJASEKHARA RAO

Counsel for the Respondents: Smt.E. Urmila

Standing Counsel

The Court made the following

ORDER:

The writ petition is filed to declare the action of the respondents in not considering the case of the petitioner for appointment to the post of Attender or any suitable post in terms of G.O.Ms.No.98 Irrigation (Projects Wing), Department, dated 15-04-1986 as illegal and arbitrary and consequently to direct the respondents to consider the case of the petitioner for appointment under displaced persons quota in terms of G.O.Ms.No.98, dated 15-04-1986 by issuing an appropriate writ or direction.

The case of the petitioner is that he is the owner of the land in Survey No.757 situated at Chinnadendulur village, Yerraguntla Mandal, Kadapa District, which was acquired for the purpose of establishment of Rayalaseema Thermal Power Project in the year 1991. As per G.O.Ms.No.98 Irrigation (Projects Wing), Department, dated 15-04-1986, he is entitled for employment as displaced persons, who lost their livelihood due to the acquisition of their lands for construction of projects. The same is opposed by the respondents stating that the land in Survey No.757 of Chinnadandlur village, Erraguntla Mandal, Kadapa District, is a Government land, and when the proposals have been sent for acquisition, the Revenue officials have informed that the land is a patta land. Subsequently, the Government also informed

that the land is a patta land. As per proceedings dated 11-12-1998, the first respondent-Chief Engineer, Rayalaseema Thermal Power Project, Kalamala, Erraguntla Mandal, Kadapa District, was asked to deposit an amount of Rs.1,02,480/- at the rate of Rs.10,000/- per acre towards 80% of the cost of the land immediately. Thereafter, the first respondent deposited the said amount with the Revenue Officials and the matter is pending with the Government. The land acquisition proceedings have not been completed so far. Unless the land acquisition proceedings are completed, the real owner of the land cannot be decided.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

It is contended by the learned counsel for the petitioner that whether in the reference court the land acquisition proceedings have been completed or not, but the same is subject matter of the appeal before this Court.

The learned Standing Counsel for the respondents contends that unless the real owners are determined in the land acquisition proceedings, the question of implementing the G.O.Ms.No.98, dated 15-04-1986 does not arise. Hence, she prays to dismiss the writ petition.

As per G.O.Ms.No.98, dated 15-04-1986, the Government examined the proposals in consultation with the Andhra Pradesh Public Service Commission (for short “A.P.P.S.C.”) to provide jobs to the displaced persons of the project/their dependents on the regular basis, to keep such appointments outside the purview of the A.P.P.S.C. and after careful examination of the matter, certain guidelines have been issued so as to appoint not more than 50% of the vacancies of the categories of posts shall be filled up by the displaced families or their dependents of a respective project duly following the reservation.

It is for the petitioner to establish that he is the owner/pattadar in title of the land and the said land was acquired by the Government for the purpose of construction of projects and therefore he was the displaced person within the meaning of G.O.Ms.No.98, dated 15-04-1986. That issue has not been decided so far in view of the fact that the land acquisition proceedings are pending before the competent court of civil jurisdiction. Unless the competent court declares that the petitioner is the owner of the land in which some extent of his land was acquired by the Government, the issue cannot be decided. All the contentions raised now are left

upon with a liberty to raise the same before the competent court after disposal of the land acquisition proceedings.

Accordingly, the writ petition is disposed of. No costs.

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K.C. BHANU, J

Date: 14th June, 2005

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ASSISTANT REGISTRAR

To

1 The Chief Engineer Rayalaseema Thermal Power Project (RTPP),
Kalamala, Erraguntntla Mandal,
Cuddapah District.
2 The Chairman, A.P.GENCO Ltd,
Vidyuth Soudha, Kahiratabad, Hyderabad.
3 The Principal Secretary, Government of Andhra Pradesh,

General Administration Department,
Secretariat, Hyderabad.

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